

ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, TO BE ENTITLED THE PALM BEACH COUNTY EMPLOYEE TUITION REFUND PROGRAM ORDINANCE; AMENDING ORDINANCE 72-6; AS AMENDED BY ORDINANCES 75-2, 86-34, 89-25 AND 90-44; PROVIDING FOR TITLE; PROVIDING FOR OBJECTIVES; PROVIDING FOR QUALIFICATION; PROVIDING FOR ELIGIBILITY; PROVIDING FOR EMPLOYEE OBLIGATIONS; PROVIDING FOR PROCEDURE; PROVIDING FOR FIREFIGHTER TUITION REFUND; PROVIDING FOR SAVINGS CLAUSE; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes 125.01 authorizes counties to provide for the health, welfare and well-being of citizens of the County; and

WHEREAS, it is in the public interest to provide for the improved efficiency and productivity of County employees; and

WHEREAS, the County has previously enacted Ordinance No. 72-6, as amended by Ordinance No. 75-2, Ordinance No. 86-34, Ordinance No. 89-25 and Ordinance No. 90-44 which Ordinances established the Palm Beach County Employee Tuition Refund Program, providing for the reimbursement of certain tuition costs for County employees for approved course work; and

WHEREAS, the Board of County Commissioners of Palm Beach County has determined that it serves the public interest of the County to continue the Employee Tuition Refund Program with certain amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

I. SECTION 1. Amendment of Prior Ordinances

Palm Beach County Ordinance No. 72-6, as amended by Ordinances No. 75-2, 86-34, 89-25 and 90-44, is amended as set forth herein.

II. The Title is hereby amended to read:

This Ordinance shall be designated and may be cited as the "Palm Beach County Employee Tuition Refund Ordinance."

1 III. SECTION 1, Objectives, is hereby amended to
2 read:

3 The objectives of the Palm Beach County Employee
4 Tuition Refund ~~Program Ordinance~~ are is to ~~promote~~ enact a
5 program encouraging Palm Beach County Board of County
6 Commissioners (hereinafter "County") employees to improve
7 their effectiveness through education and training, to
8 increase their efficiency and ability to carry out their job
9 duties, to promote the County's affirmative action effort and
10 to fulfill the public purpose of the County organization.

11 The Palm Beach County Employee Tuition Refund
12 Program shall provide employees with reimbursement of their
13 tuition costs for approved course work, which will enable them
14 to improve their performance in their current positions and/or
15 prepare them for increased or other responsibilities within
16 the County organization.

17 IV. SECTION 2, Qualifications and Limitations, is
18 hereby amended to read:

19 All employees who take approved course work related
20 to their job, to career advancement or redirection within the
21 County organization or leading to a degree relating to their
22 job or to career advancement or redirection within the County
23 organization shall be entitled to a refund of their paid
24 tuition costs.

25 ~~Said~~ The tuition refund shall be ~~based~~ paid upon the
26 satisfactory completion of approved course work. For graded
27 undergraduate courses, employees achieving a grade of "C" or
28 above shall receive a refund of one hundred percent (100%) of
29 their paid tuition costs. For graded graduate courses,
30 employees achieving a grade of "B" or above shall receive a
31 refund of one hundred percent (100%) of their paid tuition
32 costs. There will be no refund provided for course work
33 resulting in a grade below "C" for undergraduate courses and
34 below "B" for graduate courses or for credit courses taken on
35 a pass/fail basis. ~~are not eligible for a tuition refund~~ For

1 ungraded courses, such as correspondence courses and
2 continuing education courses, employees receiving a
3 certificate of completion or similar document shall receive a
4 refund of one hundred percent (100%) of their paid tuition
5 costs.

6 Except as provided in Section 6 herein, the total
7 annual cost to amount of reimbursement by Palm Beach County
8 will not exceed Seven Hundred Fifty Dollars (\$750.00) One
9 Thousand Dollars (\$1,000.00) per fiscal year per employee. If
10 an employee is eligible to receive tuition refunds or similar
11 funds or benefits through the G.I. Bill or other similar
12 program, policy or agreement (hereinafter "other program"),
13 the County will refund only those tuition costs not funded by
14 said other program, provided the total amount paid to, or on
15 behalf of, an employee (from such other program(s) and from
16 the County) does not exceed the actual tuition cost, and
17 further provided that the total annual cost to the County will
18 not exceed ~~Seven Hundred Fifty Dollars (\$750.00)~~ One Thousand
19 Dollars (\$1,000.00) per fiscal year per employee.

20 Course work shall be defined as any course of study,
21 training or education given by an accredited institution which
22 in the judgment of the Director of Employee Relations and
23 Personnel or his/her designee relates to the employee's career
24 field, career advancement, or redirection with the County
25 organization.

26 ~~During the transition from calendar to fiscal year,~~
27 ~~reimbursement will be prorated so that total payments for~~
28 ~~calendar year 1990 do not exceed \$750.00 and for the combined~~
29 ~~calendar and fiscal year do not exceed \$1,312.50 (\$750 divided~~
30 ~~by 12 months or \$62.50 per month for 12 + 9 months).~~

31 V. SECTION 3, Eligibility, is hereby amended to
32 read:

33 All part-time (20 hours or more) and full-time
34 permanent career status employees (i.e., those who have
35 successfully completed their initial probation period prior to

1 the course completion date) in the County service are eligible
2 to participate in the tuition refund program. ~~An eligible~~
3 ~~course is any course which, in the judgment of the director of~~
4 ~~Employee Relations and Personnel is related to the employee's~~
5 ~~career field or career advancement or redirection within the~~
6 ~~County organization.~~

7 VI. Section 4, Employee Obligation is amended to
8 read:

9 All employees receiving reimbursement up to ~~\$250.00~~
10 \$500.00 per fiscal year under this program will be obligated
11 to remain in the employ of the County for a minimum of one (1)
12 year following satisfactory completion of the course work.
13 Those employees receiving more than ~~\$250.00~~ \$500.00 in tuition
14 refund within a fiscal year will be obligated to remain in the
15 employ of the County for a minimum of two (2) years following
16 satisfactory completion of the course work. Employees
17 resigning or discharged from the County service prior to the
18 expiration of the required period will reimburse the County
19 for any tuition refunds received. The County may recoup the
20 funds through deductions from the employee's final paycheck(s)
21 and/or through such other collection means as the County
22 elects to use. Employees who are discharged due to a
23 reduction in force or layoff will be not be required to
24 reimburse the County for tuition refunds received.

25 Prior to the tuition reimbursement of any employee
26 pursuant to this ~~article~~ Ordinance, ~~said an~~ employee shall
27 have entered into a contract whereby the employee agrees to
28 the following:

- 29 (1) That said employee will remain in the employ
30 of the County for the ~~required~~ period of time
31 required herein following completion of course
32 work.
- 33 (2) That should said employee resign or be
34 discharged from County service prior to the
35 expiration of the required period, the

1 employee will reimburse the County for any
2 refunds received.

3 (3) That the County is authorized to deduct
4 amounts equalling said reimbursements from the
5 employee's final paycheck(s) and/or to use
6 such other collection means as the County
7 elects.

8 (4) That if said employee is eligible to receive
9 tuition refunds or similar funds or benefits
10 through the G.I. Bill or other program, policy
11 or agreement (hereinafter "other program"),
12 the County will refund only those tuition
13 costs not funded by said other program,
14 provided the total amount paid to or on behalf
15 of an employer (from such other program(s) and
16 from the County) does not exceed the actual
17 tuition cost, and further provided that the
18 total annual cost to the County will not
19 exceed ~~five hundred dollars (\$500.00)~~ one
20 thousand dollars (\$1,000.00) per fiscal year
21 per employee.

22 VII. Section 5, Procedure, is hereby amended to
23 read:

24 (a) Application. Employees desiring to
25 participate in the Tuition Refund Program shall submit to
26 their department head one copy of the "Application for Tuition
27 Refund" no later than five (5) days following the close of
28 registration for the course. Department heads will review the
29 application for approval or disapproval and, if approved affix
30 their recommendation and forward the application to the
31 Director of Employee Relations and Personnel, who will
32 coordinate the program. If the department head does not
33 approve, he/she shall forward the application to Employee
34 Relations and Personnel for review.

1 (b) Review. All applications, whether or not
2 ~~they are~~ recommended by the department head, will be reviewed
3 by the Director of Employee Relations and Personnel or his/her
4 designee, who shall be responsible for the final determination
5 of approval and for notifying all applicants of the action
6 taken.

7 (c) Reimbursement. All approved applicants
8 will submit a request for reimbursement along with tuition
9 receipts and official grade notifications to the Director of
10 Employee Relations and Personnel or his/her designee no later
11 than forty-five (45) days from receipt of grades or from
12 completion of the course in the case of an ungraded course.
13 The Director of Employee Relations and Personnel will
14 authorize payments under this program. Persons who are
15 candidates for certificates or degrees must also submit a
16 statement from their academic department chair, indicating the
17 title of the degree or certificate sought and the field of
18 specialization, if ~~this is~~ not already indicated on the
19 official grade notice.

20 VIII. Section 6, Applicability, is deleted in its
21 entirety and a new Section 6, entitled Firefighter Tuition
22 Refund, is hereby added to read:

23 ~~It is hereby provided that this article shall~~
24 ~~constitute a uniform law applicable in all unincorporated and~~
25 ~~incorporated areas of Palm Beach County, Florida, to the~~
26 ~~extent permitted by the Florida Constitution, Article VII,~~
27 ~~Section 1.~~ Notwithstanding the provisions of this Ordinance
28 to the contrary, employees, who are members of the
29 Professional Fire Fighters/Paramedics of Palm Beach County,
30 Local 2928, IAFF, Inc., hereinafter Union, shall be reimbursed
31 for tuition expenses pursuant to the provisions of the
32 Collective Bargaining Agreement between the County and Union.

33 IX. AUTHORITY TO ESTABLISH RULES AND REGULATIONS

34 The County may establish rules, regulations and
35 procedures to carry out the provisions of this Ordinance.

1 X. REPEAL OF LAWS IN CONFLICT

2 All local codes applying to the unincorporated area
3 of Palm Beach County or parts of such Ordinances in conflict
4 with any provisions of this Ordinance are hereby repealed to
5 the extent of the conflict.

6 XI. SEVERABILITY

7 If any section, paragraph, sentence, clause, phrase,
8 or word of this Ordinance is for any reason held by the Court
9 to be unconstitutional, inoperative or void, such holding
10 shall not affect the remainder of this Ordinance.

11 XII. INCLUSION IN THE CODE OF LAWS AND ORDINANCES

12 The provisions of this ordinance shall become and be
13 made a part of the code of laws and ordinances of Palm Beach
14 County, Florida. The Sections of the Ordinance may be
15 renumbered or relettered to accomplish such, and the word
16 "code" may be changed to "section," "article," or any other
17 appropriate word.

18 XIII. EFFECTIVE DATE

19 The provisions of this Ordinance shall become
20 effective upon filing with the Department of State.

21 APPROVED AND ADOPTED by the Board of County
22 Commissioners of Palm Beach County, Florida, this 3rd day
23 of October, 1995.

24 DOROTHY H. WILKEN, CLERK

25 PALM BEACH COUNTY, FLORIDA,
26 BY ITS BOARD OF COUNTY
COMMISSIONERS

27 By: Barbara A. M...
28 Deputy Clerk

By: [Signature]
Chair

29 APPROVED AS TO FORM AND
30 LEGAL SUFFICIENCY

31 By: Maureen Cullen
32 County Attorney

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EFFECTIVE DATE: Filed with the Department of State
on the 11th day of October, 1995, at _____ m.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on 10/3/95
DATED at West Palm Beach, FL on 10/14/95
DOROTHY H. WILKEN, Clerk
By: Phyllis A. House D.C.

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